IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.1681 OF 2004

IN

CRIMINAL APPEAL NO. 152 OF 2004

Anand Amarnath Lonkar .. Applicant

versus

The State of Maharashtra .. Respondents

...

Mrs.Pranali Kakade for the applicant.

Mr.D.P. Adsule, APP for the State.

CORAM : V.M. KANADE, J

DATED : 26th October 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. The applicant is in jail since 20th January 2004. He is convicted by the trial Court u/s.307 of the IPC and is sentenced to undergo RI for five years. The applicant nos.2 to 8 have been released on bail.

Their application for bail filed by the original accused no.2 has been rejected. While rejecting the said application, it is observed by the learned Single Judge that the original accused no.2 was in custody for few months. In the present case, the allegation against the present applicant is that he had given two blows with a sword on PW nos.1 and 2 as a result of which PW no.1 received injury on left cheek and had assaulted PW no.2 on his left shoulder. So far as injury caused to PW no.2 is concerned, it is a simple injury. However, the injury caused to PW no.1 is on the left side of neck and the mouth. The incident in question had taken place of a sudden between two rival brooks. The appeal is not likely to come up for hearing for some time.

3. Under the circumstances, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in like amount. He shall however not enter the jurisdiction of Vithal Langewadi Pune Police station and Bhosli Police station pending hearing and final disposal of the appeal. He shall give his address to the Jail Superintendent of his new residence and shall report to the nearest police station from the place where he is residing once in a week.

V.M. KANADE, J